

7/13

U. S. BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

**BIG STONE GAP CALENDAR - JULY 20 , 2004**

(The Honorable William F. Stone, Jr. Presiding)

(Start: \_\_\_\_\_ Recess: \_\_\_\_\_ ♦ Resume: \_\_\_\_\_ Stop: \_\_\_\_\_ ♦ Trials: \_\_\_\_\_ Proceedings \_\_\_\_\_)

Attys:                      Debtors:    Case Nos.:                      Trustees:

**( cancelled 11:00 a.m. matters below; court will convene at 1:00 p.m.)**

**11:00 A. M.\*\*– HARMAN MINING ONLY**

Copeland                      \*\*HARMAN MINING    7-98-01988                      DIP/NS

**–Any Party wishing to appear at Status pre-trial hearings by telephone conference must notify debtor’s counsel by 4/30, d/e # 857,**

Motion  
of UMWA  
for  
continuance of  
all matters  
heard on 7/13  
by telephone  
conference  
& granted;  
Date to be  
fixed in fall  
of ‘04 and  
B.Pyles to  
obtain avoid  
dates of counsel  
of record &  
contact court for  
date to be  
included in  
proposed ord he  
is to tender and  
amend therein  
as agreed by parties  
deadlines for  
meetings, exchange

1) Status Conference re: Confirmation of Amended Plan , d/e # 811, filed 9/19  
(any objs to entry of this order or parties who wish to be heard upon motions re: admin. of  
the estate shall file such obj or motion 15 days from service of order of 3/15 to be  
heard on 4/20 @ 2:00 p.m.) #858\

2) Status Conference: Joint Motion of Debtor (Copeland) and the Official Committee of  
Unsecured Creditors(Goldstein)) filed 5/21/03, d/e # 764, for Modification of Retiree  
Benefits Pursuant to 11 U.S.C §1114 and Rejection of remaining Executory Aspects  
of the Labor agreement with the United Mine Workers of America (Pyles) pursuant to 11  
U.S.C §1113; #857

3) Status Conference: re unresolved portion of Application of The International\  
Union, United Mine Workers of America (UMWA) filed 8/1/03; d/e # 797 (Pyles)

of documents, etc.

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**1:00 P. M. - PRE-TRIAL CONFERENCES**

|        |  |            |         |
|--------|--|------------|---------|
| McAfee | KATHERINE ALICE BEVINS-ch7   | 7-03-02685 | Wick/SO |
|        | A/P 7-03-00161: Obj to or revoke discharge - <b><i>final pre-trial as to Count #1</i></b><br>( <i>Mot to Dismiss Count #2 TUA at 4/20 hearing</i> )<br>Harless Mullins (Lamie**) v. Debtor |            |         |

|         |  |            |         |
|---------|--|------------|---------|
| Carmody | PATRICIA CLINE   | 7-02-04392 | Wick/NS |
|         | Motion of Debtor to Dismiss Case, filed 6/21; d/e # 56 |            |         |

|          |  |            |         |
|----------|--|------------|---------|
| Sturgill | OWEN & NORITA POWERS - Ch. 7   | 7-04-02246 | Wick/JJ |
|          | Motion # 1: Relief–filed 6/24 [d/e # 11]<br>Union Acceptance Corp. (A. Black) v. Debtors & Trustee<br><b><i>–ORDER of 7/13 (default) granted relief, cancels hearing</i></b> |            |         |

Motion #2: Relief filed 6/28; d/e # 15, 16  
Appalachian Federal Credit Union (Lyle) v. debtor & trustee

**2:00 P. M. - MISCELLANEOUS**

Rasnic                      PHILLIP & JANE JOHNSON                      7-04-00842                      Krippend/JJ  
Obj of Trustee to Claim of Exemptions, filed 5/7; d/e # 15 *Contd from 6/8*

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**2:00 P. M. - MISCELLANEOUS**

Rasnic                      ANGELA WHITED                      7-04-00847                      Krippend/JJ  
Obj of Trustee to Claim of Exemptions, filed 5/14; d/e #12 *contd from 6/8* ; d/e 18, 22  
Response filed 7/12; d/e # 24

Maddux                      CHARLES & BRENDA KERNS                      7-04-00890                      Krippend/NS  
Trustee Motion for Debtors to Turn Over Property to the Estate, filed 6/14; d/e # 16

Wilson                      MICHAEL MCCONNELL - Ch. 7                      7-04-01114                      Krippendorf/LM  
Trustee's Motion for Debtor to turn over property to the estate [d/e # 13, amended  
by d/e #15] *contd from 6/8*

Objection of Trustee to Claim of Exemptions, filed 5/14; d/e # 14 *contd from 6/8*

Notice of Hearing filed 7/12; d/e # 30, on Debtor's Motion to Amend Schedule C

Lamie                      RANDALL & TAMMY BISHOP - Ch. 7                      7-04-02245                      Wick/JJ  
Motion # 1: Relief-filed 6/23 [d/e # 10]  
Nissan Motor Acceptance Corp. (C. Smith) v. Debtors & Trustee  
***-ORDER of 7/14; d/e # 14, resolves Motion***

Fleming            RONALD & BRITNEY COUNTS - Ch. 7            7-04-02258            Wick/SJ  
                         Motion # 1: Relief–filed 6/29 [d/e # 10]  
                         Vanderbilt Mortgage & Finance, Inc. (Maxwell) v. Debtors & Trustee

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**2:00 P. M. - MISCELLANEOUS**

Pro se            DENNIS LAWSON - Ch. 7            7-04-01992            Wick/NS  
                         Motion # 1: Relief–filed 7/2 [d/e # 19]  
                         Ford Motor Credit (Eason) v. Debtor & Trustee  
                         –*Movant certification filed 7/12; d/e # 21*  
                         ***ORDER (default) entered 7/15 granting relief, cancels hearing***

Sharp            ANTHONY & KAREN BLANKENSHIP - Ch. 7            7-04-00844            Krippendorf/JJ  
                         Trustee’s Motion for Debtor to Turn Over Property to the Estate [d/e # 13]

Copeland            APPALACHIAN RESOURCES INC            7-04-01871            DIP/SL  
                         Status Hearing

Copeland            COAL RIVER RESOURCES, INC. - Ch. 11            7-04-00988            DIP/NS  
                         Debtor’s Motion to Assume Lease with Venture Resources LLC - d/e # 68  
                         *cont’d from 6/22*

Motion #1: Relief

Caterpillar Financial Services Corp (Callahan)

**--Stipulation & Agreed Order granting adequate protection payments with  
Notice & Opportunity for Hearing on any Objection as may be filed**

Motion #5: Relief/Adequate protection--filed 7/9 [d/e # 152]

FNB Southeast (Esposito) v. Steven R. Mullins Excavating, Inc. (04-00991--jointly  
administered with this case)

*(Order of deficiency entered 7/7--\$150 fee not paid--due by 7/19 ; **PAID 7/12**)*

*note: special hearings scheduled at Abingdon also on 7/21 @ 2:30 in Coal River Cases*

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**2:30 P. M. - TRIAL**

Copeland                      FRANKLIN SUTHERLAND    7-01-03593    Callahan/S

***Contd pre-trial on A/P-s below and hearing on exemptions issues :***

A/P 7-04-00026: Recover Money or Property

Wm. Callahan, Trustee v. New England Life Insurance ( V. Kelly.) ; Franklin J  
Sutherland, Debtor (Copeland); and Karen D Sutherland( Keuling-Stout )

A/P 7-03-00143 ; *consolidated into AP 04-26 (above)*

Recover pre-petition transfers

Callahan, Trustee (Callahan) v. Karen Sutherland (Keuling-Stout)

***Hearing: (case file)***

Objection of Trustee to Debtor Claims of Exemptions [d/e # 171]

**NOTE; ALL MATTERS IN SUTHERLAND CASE WERE HEARD BY TELEPHONE CONFERENCE  
ON 7/16 ON ORAL MOTION FOR CONTINUANCE BY TRUSTEE FOR DISCOVERY CUTOFF AND  
HEARING DATES Parties to confer and were granted 10 days to tender consent order fixing new deadlines  
and new hearing and pre-trial dates; Callahan to prepare order thereon or contact court for further telephone  
conference if unable to agree.**